

AMENDED IN ASSEMBLY APRIL 29, 2014

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2550

Introduced by Assembly Member Roger Hernández

February 21, 2014

An act to amend Sections ~~1000~~, 1301, 1303, and ~~13112~~ 10402.5 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 2550, as amended, Roger Hernández. Election dates.

Existing law establishes election dates in each year, which are the second Tuesday of April in each even-numbered year, the first Tuesday after the first Monday in March of each odd-numbered year, the first Tuesday after the first Monday in June in each year, and the first Tuesday after the first Monday in November of each year. Existing law requires all state, county, municipal, district, and school district elections to be held on an established election date, except for a special election called by the Governor, an election held in a chartered city or chartered county, certain school district elections, a local ballot measure or local recall election, and an all-mailed ballot election.

Existing law also requires a state, county, municipal, district, and school district election held on a statewide election date to be consolidated with the statewide election; however, the board of supervisors of a county of the first class may deny a request for consolidation under certain circumstances.

~~This bill would eliminate the established election dates in March and April, and would modify the established election date in June to each~~

~~even-numbered year instead of each year. This bill would require general municipal and general district elections held on or after July 1, 2015, to be held on the first Tuesday after the first Monday in June of even-numbered years, or on the first Tuesday after the first Monday in November of each odd-numbered or even-numbered year, subject to certain exceptions. The bill would provide that these provisions may not be construed to shorten the term of office of any officeholder, as specified, or as altering the date of a runoff election provided for in the principal act of held in a district if the principal act of the district provides for a runoff election.~~

This bill would also provide that, if a board of supervisors of a county of the first class denies a request to consolidate an election, that election shall not be held on the date of the statewide election.

By increasing the duties of local elections officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 1000 of the Elections Code is amended~~
2 ~~to read:~~
3 ~~1000. The established election dates in each year are as follows:~~
4 ~~(a) The first Tuesday after the first Monday in June in each~~
5 ~~even-numbered year.~~
6 ~~(b) The first Tuesday after the first Monday in November of~~
7 ~~each year.~~
8 ~~SEC. 2.~~
9 ~~SECTION 1. Section 1301 of the Elections Code is amended~~
10 ~~to read:~~
11 ~~1301. (a) Except as required by Section 57379 of the~~
12 ~~Government Code, and except as provided in subdivision (b), a~~
13 ~~general municipal election shall be held on an established election~~

1 ~~date pursuant to Section 1000 the first Tuesday after the first~~
2 ~~Monday in June of each even-numbered year, or on the first~~
3 ~~Tuesday after the first Monday in November of an odd-numbered~~
4 ~~or even-numbered year.~~

5 (b) (1) A city council may enact an ordinance, pursuant to
6 Division 10 (commencing with Section 10000), requiring its
7 general municipal election to be held on the same day as the
8 statewide direct primary election, the day of the statewide general
9 election, or on the day of school district elections as set forth in
10 Section 1302. Any ordinance adopted pursuant to this subdivision
11 shall become operative upon approval by the board of supervisors.

12 (2) In the event of consolidation, the general municipal election
13 shall be conducted in accordance with all applicable procedural
14 requirements of this code pertaining to that primary, general, or
15 school district election, and shall thereafter occur in consolidation
16 with that election.

17 (c) If a city adopts an ordinance described in subdivision (b),
18 the municipal election following the adoption of the ordinance and
19 each municipal election thereafter shall be conducted on the date
20 specified by the city council, in accordance with subdivision (b),
21 unless the ordinance in question is later repealed by the city
22 council.

23 (d) If the date of a general municipal election is changed
24 pursuant to subdivision (b), at least one election shall be held before
25 the ordinance, as approved by the board of supervisors, may be
26 subsequently repealed or amended.

27 ~~SEC. 3. Section 13112 of the Elections Code is amended to~~
28 ~~read:~~

29 ~~13112. The Secretary of State shall conduct a drawing of the~~
30 ~~letters of the alphabet, the result of which shall be known as a~~
31 ~~randomized alphabet. The procedure shall be as follows:~~

32 ~~(a) Each letter of the alphabet shall be written on a separate slip~~
33 ~~of paper, each of which shall be folded and inserted into a capsule.~~
34 ~~Each capsule shall be opaque and of uniform weight, color, size,~~
35 ~~shape, and texture. The capsules shall be placed in a container,~~
36 ~~which shall be shaken vigorously in order to mix the capsules~~
37 ~~thoroughly. The container then shall be opened and the capsules~~
38 ~~removed at random one at a time. As each is removed, it shall be~~
39 ~~opened and the letter on the slip of paper read aloud and written~~
40 ~~down. The resulting random order of letters constitutes the~~

1 randomized alphabet, which is to be used in the same manner as
2 the conventional alphabet in determining the order of all candidates
3 in all elections. For example, if two candidates with the surnames
4 Campbell and Carlson are running for the same office, their order
5 on the ballot will depend on the order in which the letters M and
6 R were drawn in the randomized alphabet drawing.

7 (b) (1) There shall be three drawings, two in each
8 even-numbered year and one in each odd-numbered year. Each
9 drawing shall be held at 11 a.m. on the date specified in this
10 subdivision. The results of each drawing shall be mailed
11 immediately to each county elections official responsible for
12 conducting an election to which the drawing is applicable, who
13 shall use it in determining the order on the ballot of the names of
14 the candidates for office.

15 (A) The first drawing under this subdivision shall take place on
16 the 82nd day before the first Tuesday after the first Monday in
17 June of each even-numbered year, and shall apply to all candidates
18 on the ballot in that election.

19 (B) (i) The second drawing under this subdivision shall take
20 place on the 82nd day before the November general election of an
21 even-numbered year, and shall apply to all candidates on the ballot
22 in the November general election.

23 (ii) In the case of the primary election and the November general
24 election, the Secretary of State shall certify and transmit to each
25 county elections official the order in which the names of federal
26 and state candidates, with the exception of candidates for State
27 Senate and Assembly, shall appear on the ballot. The elections
28 official shall determine the order on the ballot of all other
29 candidates using the appropriate randomized alphabet for that
30 purpose.

31 (C) The third drawing under this subdivision shall take place
32 on the 82nd day before the first Tuesday after the first Monday in
33 November of the odd-numbered year, and shall apply to all
34 candidates on the ballot in the elections held on that date.

35 (2) In the event there is to be an election of candidates to a
36 special district, school district, charter city, or other local
37 government body at the same time as one of the three major
38 election dates specified in subparagraphs (A) to (C), inclusive, and
39 the last possible day to file nomination papers for the local election

1 would occur after the date of the drawing for the major election
2 date, the procedure set forth in Section 13113 shall apply.

3 (e) ~~Each randomized alphabet drawing shall be open to the~~
4 ~~public. At least 10 days prior to a drawing, the Secretary of State~~
5 ~~shall notify the news media and other interested parties of the date,~~
6 ~~time, and place of the drawing. The president of each statewide~~
7 ~~association of local officials with responsibilities for conducting~~
8 ~~elections shall be invited by the Secretary of State to attend each~~
9 ~~drawing or send a representative. The state chairman of each~~
10 ~~qualified political party shall be invited to attend or send a~~
11 ~~representative in the case of drawings held to determine the order~~
12 ~~of candidates on the primary election ballot, the November general~~
13 ~~election ballot, or a special election ballot as provided for in~~
14 ~~subdivision (d).~~

15 (d) ~~In the case of any special election for State Assembly, State~~
16 ~~Senate, or Representative in Congress, on the first weekday after~~
17 ~~the close of filing of nomination papers for the office, the Secretary~~
18 ~~of State shall conduct a public drawing to produce a randomized~~
19 ~~alphabet in the same manner as provided for in subdivisions (a)~~
20 ~~and (e). The resulting randomized alphabet shall be used for~~
21 ~~determining the order on the ballot of the candidates in both the~~
22 ~~primary election for the special election and in the special election.~~

23 *SEC. 2. Section 1303 of the Elections Code is amended to read:*

24 1303. (a) Unless the principal act of a district provides that an
25 election shall be held on one of the other dates specified in Chapter
26 1 (commencing with Section 1000) of Division 1 *the first Tuesday*
27 *after the first Monday in June of each even-numbered year or on*
28 *the first Tuesday after the first Monday in November of each*
29 *even-numbered year*, or except as provided in Section 1500, or
30 except as provided in subdivision (b), a general district election
31 to elect members of the governing board shall be held in each
32 special district subject to Division 10 (commencing with Section
33 10000) on the first Tuesday following the first Monday in
34 November of each odd-numbered year.

35 (b) Notwithstanding any other provision of law, a governing
36 body of a special district may require, by resolution, that its
37 elections of governing body members be held on the same day as
38 the statewide general election. The resolution shall become
39 operative upon the approval of the board of supervisors pursuant
40 to Section 10404.

1 *SEC. 3. Section 10402.5 of the Elections Code is amended to*
2 *read:*

3 10402.5. (a) Any state, county, municipal, district, and school
4 district election held on a statewide election date pursuant to
5 Section 1002 shall be consolidated with the statewide election
6 pursuant to this part except that, in counties of the first class, the
7 board of supervisors may deny any request for consolidation if it
8 finds that the ballot style, voting equipment, or computer capacity
9 is such that additional elections or materials cannot be handled.
10 The procedural requirements prescribed for that type of election
11 shall be construed as if this section were specifically set forth in
12 the provisions relating to that election.

13 (b) *Notwithstanding any other provision of law, if the board of*
14 *supervisors of a county of the first class denies a request for an*
15 *election to be consolidated with the statewide election pursuant*
16 *to subdivision (a), that election shall not be held on the same day*
17 *as the statewide election.*

18 SEC. 4. (a) ~~This act shall not be construed to alter the date of~~
19 ~~a runoff election provided for in the principal act of a district. apply~~
20 ~~to either of the following:~~

21 (1) *An election held prior to July 1, 2015.*

22 (2) *An election held in a district if the principal act of the district*
23 *provides for a runoff election.*

24 (b) This act shall not be construed to shorten the term of office
25 of any officeholder in office on the effective date of this act. For
26 each office for which this act causes the election to be held at a
27 later date than would have been the case in the absence of this act,
28 the incumbent shall hold office until a successor qualifies for the
29 office, but in no event shall the term of an incumbent be extended
30 by more than four years.

31 (c) *No later than July 1, 2015, the governing board of a city or*
32 *district required to change the date of its election pursuant to this*
33 *act shall adopt a resolution establishing a new election date.*

34 ~~(e)~~

35 ~~(d) No later than 30 days after the effective date of this act~~
36 ~~August 1, 2015, each county elections official shall cause a notice~~
37 ~~to be mailed to all registered voters in his or her jurisdiction~~
38 ~~informing the voters of the change in each election date. The notice~~
39 ~~shall also inform the voters whether, as a result of the change in~~
40 ~~the election date, an incumbent's term of office will be extended.~~

1 SEC. 5. If the Commission on State Mandates determines that
2 this act contains costs mandated by the state, reimbursement to
3 local agencies and school districts for those costs shall be made
4 pursuant to Part 7 (commencing with Section 17500) of Division
5 4 of Title 2 of the Government Code.

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